SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **APPARATUS AND METHODS FOR COMMUNICATING USING SYMBOL-MODULATED SUBCARRIERS**.

The specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Aldous, Alan Anglin, J. M. Arora, Suneel Bacon, Shireen Beekman, Marvin L. Bianchi, Timpthy E. Billion, Richard E. Black, David W. Brake, Edward Brennan, Thomas F. Burge, Ben Chadwick, Robin A. Chang, Robert Chen, George Choi, Glen Clark, Barbara J. Clise, Timothy B. Cochran, David R. Cool, Kenneth J. Dahl, John M. DeLizio, Andrew Draeger, Jeffrey S. Drake, Edwardo E. Embretson, Janet E. Faatz, Cindy Forrest, Bradley A. Gagne, Christopher Gorrie, Gregory J. Greaves, John N.	Reg. No. 31,905 Reg. No. 24,916 Reg. No. 42,267 Reg. No. 40,494 Reg. No. 38,377 Reg. No. 39,610 Reg. No. 32,836 Reg. No. 42,331 Reg. No. 35,075 Reg. No. 35,075 Reg. No. 42,372 Reg. No. 36,477 Reg. No. 43,765 Reg. No. 43,765 Reg. No. 43,546 Reg. No. 43,546 Reg. No. 43,546 Reg. No. 40,570 Reg. No. 40,570 Reg. No. 40,570 Reg. No. 44,639 Reg. No. 44,639 Reg. No. 44,639 Reg. No. 41,000 Reg. No. 41,000 Reg. No. 40,594 Reg. No. 39,965 Reg. No. 39,973 Reg. No. 30,837 Reg. No. 36,142 Reg. No. 36,530 Reg. No. 36,530 Reg. No. 36,530 Reg. No. 36,530 Reg. No. 40,362	Nicholls, Dennis A. Niclsen, Walter W.	Reg. No. 34,341 Reg. No. 37,346 Reg. No. 41,086 Reg. No. 41,086 Reg. No. 44,813 Reg. No. 37,650 Reg. No. 40,670 Reg. No. 40,052 Reg. No. 32,146 Reg. No. 32,146 Reg. No. 41,136 Reg. No. 41,136 Reg. No. 44,855 Reg. No. 36,198 Reg. No. 36,672 Reg. No. 30,568 Reg. No. 42,815 Reg. No. 42,815 Reg. No. 42,832 Reg. No. 42,832 Reg. No. 42,832 Reg. No. 44,233 Reg. No. 42,838 Reg. No. 42,836 Reg. No. 37,509 Reg. No. 37,509 Reg. No. 37,509 Reg. No. 44,255 Reg. No. 42,636 Reg. No. 42,636 Reg. No. 42,636 Reg. No. 25,539 Reg. No. 35,635	Peacock, Gregg A. Perdok, Monique M. Peret, Andrew R. Peterson, David C. Plimier, Michael D. Proksch, Michael A. Prout, William F. Reif, Kevin A. Sayles, Crystal D. Schumm, Sherry W. Schwegman, Michael L. Seddon, Ken Seeley, Mark Shah, Ami P. Simon, David Skabrat, Steve Speier, Gary J. Steffey, Charles E. Steiner, Paul E. Stordal, Leif T. Stutman-Horn, Joni D. Tong, Viet V. Tran, David Viksnins, Ann S. Wells, Calvin Willardson, Michael Winkle, Robert G. Woessner, Warren D. Wong, Sharon	Reg. No. 45,001 Reg. No. 42,989 Reg. No. 41,246 Reg. No. 41,246 Reg. No. 43,004 Reg. No. 43,001 Reg. No. 33,995 Reg. No. 36,381 Reg. No. 36,381 Reg. No. 32,299 Reg. No. 25,816 Reg. No. 32,299 Reg. No. 32,299 Reg. No. 32,299 Reg. No. 42,143 Reg. No. 32,756 Reg. No. 45,458 Reg. No. 36,279 Reg. No. 45,458 Reg. No. 45,458 Reg. No. 46,251 Reg. No. 46,251 Reg. No. 45,416 Reg. No. 45,416 Reg. No. 45,416 Reg. No. 37,748 Reg. No. 37,748 Reg. No. 50,856 Reg. No. 50,856 Reg. No. 50,856 Reg. No. 30,440 Reg. No. 37,760
Gagne, Christopher	Reg. No. 36,142			Woessner, Warren D.	Reg. No. 30,440
Greenberg, Robert A.	Reg. No. 44,133	Parker, J. K.	Reg. No. 33,024	Young, Charles K.	Reg. No. 39,435

I hereby authorize them to act and rely on instructions from and communicate directly with the

person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have

consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1: Eric A. Jacobsen
Citizenship: United States of America

Residence: Scottsdale, AZ

Post Office Address:

T0539 E. Salt Bush Drive Scottsdale, AZ 85259

Date: 9/25/03

Eric A Jacobsen

X Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 884.A54US1

Serial No. not assigned Filing Date: not assigned

Filing Date: not assigned

Full Name of joint inventor number 2: Adrian P Stephens
Citizenship: United Kingdom Residence: Cottenham, Cambridge

Post Office Address: 64 Lamb's Lane
Cottenham, Cambridge CB4 8TA

Signature: ______ Date: ______

Adrian P Stephens

§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Attorney Docket No.884.A54US1

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application COMBINED DECLARATION AND POWER OF ATTORNEY

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Page 2 of 4

Attorney Docket No.: 884.A54US1 Serial No. not assigned Filing Date: not assigned

I hereby authorize them to act and rely on instructions from and communicate directly with the

person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have
consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

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Telephone No. (612)373-6900

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Full Name of joint inventor Citizenship: Post Office Address:	or number 1: Eric A. Jacobsen United States of America 10539 E. Salt Bush Drive Scottsdale, AZ 85259	Residence: Scottsdale, AZ
Signature:	Eric A. Jacobsen	Date:
•		

 \underline{X} Additional inventors are being named on separately numbered sheets, attached hereto.

Page 3 of 4

Full Name of joint inventor number 2:
Citizenship:
Unite
Post Office Address:
64 La

er 2: Adrian P Stephens United Kingdom

w

64 Lamb's Lane Cottenham, Cambridge CB4 8TA

Residence: Cottenham, Cambridge

Date: September 26, 2003

Signature:

Adrian P Stephens

Page 4 of 4

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 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.